

Feedback Generated from Public Comment Period - February, 2003

Individuals/Environmentalists

- I suppose that as sticks and carrots go, this proposal is the carrot. Your agency must also use the stick. I think your best results will come with a balanced approach of both.

Paul Campbell

- "Clean Utah" sounds like a great program! Congratulations! The Tribune article about The Golden Braid implement new environmental thrusts and receiving praise from the city I presume is a similar program from which the State could pick up pointers? Good luck with it.

Ellen L Eckels – Riverton

- The committee has been monitoring the Clean Utah project and we are impressed with the final product. Your leadership in its effort has been very helpful. We hope implementation of the project will be successful and meet the aspirations of the stakeholders. Thanks for your work.

Emily Hall – Chair, Wasatch Clean Air Committee

Regulated Entities

Brigham City

The Mayor and staff of Brigham City are interested in the Clean Utah! Program however, we are concerned about the time it may take to manage this program with all of the compliance standards that we currently have to meet. Is too late to get a briefing on your program, or a least a little more detail on what the rewards will be. Please let me know.

Bruce Leonard, Brigham City

(Note: Approach was discussed in follow-up call. He is interested in hearing more as the process moves forward.)

Compeq International

- I have reviewed your proposal and find the following:

- 1.. The lack of clearly established incentives does not make me interested in pursuing this program.
2. Although the proposal has lofty goals, it does not entice me, because it will significantly increase DEQ review and oversight and my workload. If my company were to derive some benefit beyond what the law requires of me now, I would have an interest in the program. I support a clean environment, however, many of the current environmental regulations are petty and over-burdensome. Your program would work if it were not a veiled increase in DEQ requirements and oversight.

As a professional and as a Company, we work hard at complying with existing environmental regulations. We need relief, not additional burdens. Thank you for this opportunity to respond.

Ted E. Witte - Administration Manager - Compeq International

ConocoPhillips

Thanks for taking time today to discuss the CleanUtah! program with me. As I mentioned, I just recently received Dianne Nielson's overview of the program proposal.

I represent the natural gas exploration & production side of ConocoPhillips. We operate ~470 coalbed methane / natural gas wells just south of Price, UT, known as the Drunkards Wash Field. I understand that our Woods Cross Refinery submitted comments on the proposed program. If possible, would you please e-mail a copy of those comments ? I'd like to send in comments that would be specific to my business sector, which is in fact quite different than the Woods Cross Refinery.

Steve de Albuquerque, ConocoPhillips Upstream - San Juan / Rockies

(Note: Information was provided, as requested. He voiced support of the concept via phone)

DataChem Laboratories

Thank you for your recent request for comment on the CleanUtah! program. DataChem Laboratories' management team, facility group and safety personnel have each reviewed the proposed program and are intrigued by such an endeavor. Although corporate resources to support such a program would have to be carefully reviewed in light of overall cost benefit given the current, difficult economic environment we would certainly be willing to make every practical effort to improve our environmental performance for the good of the community and our workforce.

Thank you for the opportunity to comment. We would encourage you to go forward with your initiatives. Please feel free to forward additional information, as it becomes available, to me.

Rory D. Payne - DataChem Laboratories, Inc.

Envirocare

Envirocare did provide comments during the process. We believe that the concept is a good one. We do recommend that the compliance requirements should be modified to allow all facilities to participate based on not being a significant non-complier. Using other definitions for other programs does not provide a level playing field for all of the companies that would choose to participate.

In addition, I would believe that you would want companies that are struggling with the requirements to want to be part of the program. To be part of the program they would need to develop an EMS program that would help them with their compliance.

Ken Alkema, Envirocare

Granite Construction

Please keep me informed of any other upcoming meetings and I will make my best effort to be there. Granite strives to be a good Corporate citizen and I believe that this is a good stepping stone for them.

Chris Faulhaber, Granite Construction Company

Graymont Western

- Environmental Management from Graymont Western US Inc has reviewed the draft CleanUtah! proposal and submits that the proposal does not provide enough incentive to participate vs. the expenditure of effort it will require to comply with the applications, reports, and review panel processes. The requirement for a capstone environmental project to even apply for Tier 3 seems excessive especially given today's economic climate. Industry bears tremendous economic pressure to comply with ever-increasingly stringent environmental laws and permits along with supporting increasing fee structures of governmental agencies. The CleanUtah! program will consume UDAQ resources at a time when UDAQ has been forced to implement supplementary New Source Review fees (up to \$5,000) which are in addition to existing review fees. Thank you for your consideration of these comments.

Tony Panchyshyn - Senior Environmental Engineer, Graymont Western US Inc.

Indian Oil

- This letter is in response to your Clean Utah Proposal. I feel that this type of program is a waste of Tax Payer money. This program will do the same for the environment as the Used Oil program has, which is add enforcement to an already over-regulated system. Allow me to give you an example of what has taken place with a regulated industry.

For the last 18 years Indian Oil has been recycling used oil, and serving on boards with NORA. Indian Oil in the last few years has been researching new technologies to add value to Used Oil and to better serve the State Of Utah's Environment. At the cost of hundreds of thousands of dollars Indian Oil believes it has found a process that will turn Used Oil into a valuable product. This product is a diesel fuel, which has been tested and found to meet diesel fuel specs. The State of Utah's used oil program in its short sightedness has determined that even though the product has met the spec rule, the product must still be labeled "Used Oil fuel".

Indian Oil has met with much resistance in various markets, because of the stigma of attaching this label. Many interested customers are detoured from trying this product even though it has been completely recycled and bears no resemblance to used oil. We have been told by regulators that this product needs to be tracked to the end item users, and only transported by permitted Used Oil haulers. Also that if this product were to be sold to a broker of Diesel Fuels or a refinery, they would need to comply with Used Oil Management Standards. One regulator has also told us that the product should be ultimately tracked to the individual who purchases this product, whether it is for a vehicle or an industrial application. This makes it close to impossible to market this fuel product, and foolish for anyone to invest in recycling as a money making venture.

In closing I feel this program should not be implemented. At a time when the State is looking at a tax deficit, programs like this should not be considered. In the beginning programs like this look good on paper, while in the long run they end up placing more regulations on over regulated business, and un-needed regulations on currently un-regulated businesses. Thank you for the opportunity to comment.

Michael L Kesler, Indian Oil

Litton Systems

It was great talking to you about the Clean Utah! proposal. Could you please add me to your distribution list. Thank you.

Jeffrey A. Aure, Litton Systems - Navigation Systems Division

(Note: He participated in the development of Oregon's Green Permits and is very interested in participating in Utah's program.)

Maverick Country Stores

- After reading the Final Draft of the Clean Utah! Policy, I was left wondering what Maverik Country Stores could do in the way of P2. The Clean Utah! Program seems like a very formidable program that can offer many potential benefits. Have you seen other large petroleum retailers participate in a program such as this one? If so, what things have they implemented that met the requirements for tier two? Any insight or examples you could offer would be appreciative.

Mark Christensen - Environmental Technologist, Maverik Country Stores, Inc

(Note: Information on Maine's Model Facility Guide for gas stations provided as an example)

Millennium Science and Engineering

- I have just finished reading the Final Draft of the DEQ Clean Utah! Policy dated 12/31/02, and my first reaction is that it seems to reflect a heavy-handed regulatory approach to something that: (1) is voluntary to begin with; and (2) perhaps better viewed as a partnership for the common good. The emphasis is clearly on compliance. I would hope that one of the aims of the program is to communicate the benefits of participation, but this appears to be lost in the presentation of requirements for eligibility and the details of EMS content. When incentives are finally discussed, they receive comparatively brief mention and are not even very clear (e.g. What do facility permit enhancements and facility-specific incentives mean?).

I think that the concept is a good one, but if I were a business owner, I would be hesitant to buy into the program, simply because of the tone of the policy statement. Recognition would be nice, but if I really understood the advantages of EMS, I would choose implement them on my own and communicate them to my customers without the need for "rewards" from DEQ. There are numerous benefits to EMS development, and I believe that participation in the program could be better encouraged with a more thoughtful approach to communicating those benefits to business and industry. I would point to the DEQ Voluntary Cleanup Program as an example. While still a regulatory-based program, the VCP is typically presented as a working partnership and DEQ employees seem to do their best to maintain and communicate that perspective to potential participants. Thank you for the opportunity to comment.

Rolf Lange - Millennium Science and Engineering

Murray City Power

- Thanks for the opportunity to see the draft policy for this voluntary program. It looks very interesting, very consistent with Murray City Power's goals for a strong commitment

to the environment, past, present and future. When the policy is finalized, we look forward to being eligible and participating.

Gary O. Merrill - General Manager, Murray City Power

Nucor Steel

- I would like to provide comment on your final draft of the DEQ Clean Utah! policy on behalf of Nucor Steel, Plymouth, Utah.

Nucor Steel fully supports the concept, the program, and the policy as written. We believe that such a program will provide incentives to Utah companies to go beyond compliance requirements, thereby reducing some of the adverse environmental impacts resulting from the states' growing population. As most are aware, compliance with environmental rules and regulations is a significant burden and many rules represent little if any real environmental gain. However, many voluntary practices or procedures can represent a significant environmental gain with relatively little added burden. The program you have outlined, we believe, provides encouragement to companies to take the additional step by providing recognition and incentives, and the Core Project Areas and Suggested Project Areas are the types that will result in real environmental gains. The resources needed for DEQ personnel to administer this program will have a much larger "bang for the buck" than is gained by permit writers and compliance inspectors.

Nucor has already implemented an environmental program and voluntary activities of our own which very closely matches or qualifies us for all three tiers of your planned program. Unfortunately, some of the specifics of your program, probably necessarily so, may exclude us from being included in the program. Once your program is formalized we would expect to submit an application understanding that we may not be accepted. Regardless, we believe that many other companies will apply and be accepted, and that end result will have the desired effects.

Douglas Jones - Environmental Manager - Nucor Bar Mill Group - Plymouth

Phillips 66 Woods Cross Refinery

- I have reviewed your January 21, 2003 letter to DEQ Stakeholders regarding the Clean Utah! program. As a whole, I see the program as having a positive impact in both the regulating and the regulated communities, especially on attitudes toward environmental compliance. It is definitely something that I would promote at our facility here in Woods Cross. You requested review and input regarding the proposed program, and so I offer the following comments.

1. The help of the DEQ to formalize EMS systems will be appreciated, especially by companies like ours that have active environmental management procedures, but may not have yet structured them into a formal "EMS."
2. The requirements for ongoing, approved environmental projects may create a significant problem for highly-regulated industries like ours. The core project areas are covered by strict regulation, and the opportunities to "significantly reduce or prevent pollution" beyond those regulations are typically very

expensive. In other words, the "significant" emissions reductions have been required by regulation. Therefore, Clean Utah! program requirements for projects to go beyond regulation and yet result in significant reductions are, in many cases, mutually exclusive. Further significant reductions may be possible, but these would involve, for example, a wet scrubber or electrostatic precipitator on the FCC flue gas, a redundant train for the sulfur recovery unit, a flare gas recovery system, or a wastewater treatment and recovery system. Each of these would probably run into the tens of millions of dollars in cost, and could not be undertaken financially, especially with the expense currently being mandated to meet the upcoming clean fuels requirements. We could probably come up with projects that are "beneficial", but in comparison with total emissions, they may not be deemed "significant" by the DEQ. And the program requires that as soon as one project is completed, another must be submitted for approval in order to stay in the program. It isn't clear if those in the program must always have two active projects, one from each of the project areas.

3. Those companies that have done a lot already are at a disadvantage. The low-hanging fruit is gone, and finding more to pick is difficult. The companies that will find it easiest to join the program are the ones that have done the least in the past. From a compliance standpoint, that is probably a good thing, but it means that the program is more like an award to the "Most Improved" as opposed to the "Best."

4. The "incentives," as listed, are sufficiently nebulous as to be inconsequential as a motivation for subscribing to the process. The real incentive is to take advantage of a format for demonstration and recognition of having a proactive approach to environmental responsibility.

I appreciate the opportunity to comment on the proposed program. Thank you.

Michael S. Astin, P.E. - Phillips 66 Company Woods Cross Refinery

Primary Children's Medical Center

- Primary Children's Medical Center has not historically been a large emissions producer. We have taken steps to help reduce pollution such as, install a high turndown burner on our existing boiler and our new boiler will have one installed straight from the factory. We have installed Electronic Controls (Hawkeye System) that monitor the air fuel ratio mixture and gas pressure to make the boiler burn more efficiently. We try to follow the conditions of our approval order as best we can. So at this time we would not like to participate in the voluntary program.

Rick Stowe – Primary Children's Medical Center

Rocky Mountain Center

- Took a look at the final draft of DEQ Clean Utah! and the web-site. It's great to see a proactive program attempting to reward organizations attempting to go beyond regulatory compliance. No real editorial comments - it looks like it's been worked a time or two. I noticed you identified an academic representative on the Multi-Interest Review Panel. I

would be happy to place my name for consideration. I've attached a copy of my CV in case you're interested. Keep up the good work.

*Dean R. Lillquist - Associate Professor,
Rocky Mountain Center for Occupational, and Environmental Health - University of Utah*

St. George Power

- We have a new Conservation Dept. and would like to know how this would fit into your program. Also are there any financial incentives? Is the program voluntary only? I am an electrical engineer who is involved with new electrical generation projects and who is concerned with protecting the environment. Any ideas?.. *(following a phone conversation)* We are interested and would like to receive information as you are ready to start accepting applications.

Jim Douglas- St. George Power

Tooele Army Depot

- Thank you for the opportunity to comment on the CleanUtah! program proposal. I like the concept of the program, primarily from the standpoint that it encourages partnering between the regulatory agency and industry participants toward a common goal. Federal facilities generally are proactive in completing environmental projects which reduce or prevent pollution, yet rarely receive any recognition for doing so. The Tooele Army Depot is in the planning stages for constructing our Environmental Management System, so the timing of the CleanUtah! program proposal is conducive to gaining support from installation management and assisting the development of our EMS. Along those lines, I think that the incentives for participating in each Tier of the program should be clearly and specifically identified up-front in the proposal. Specific incentives (rather than the open-ended negotiated incentives which are currently described) will go a long way in gaining support from management officials for funding and completing pollution reduction projects.

In addition, some of the incentives offered should be geared towards benefiting Federal Facilities. If a true partnering working relationship is formed through participation in the program, the need to take enforcement actions and impose fines for minor violations, in order to force compliance, seems to be unnecessary. The definition of minor violation would be left to the regulatory agency, however, a suggestion would be that they be defined as administrative or operational issues that cause no physical harm to the environment, or pose no immediate health risk. A relaxation of enforcement policies (particularly issuing a Notice of Violation for minor violations) and fine policies would be a significant incentive for Federal Facilities (and in particular military installations), whose leaders are rated on the numbers of Notices of Violations received. Also, money saved from fines and penalties would be justified toward expenditure on pollution reduction projects.

Another suggestion would be to credit money spent on pollution reduction projects towards a percentage of offset of State personnel review fees. While not as significant a management incentive for military installations, the monetary incentive would help gain support for the pollution reduction projects. Please email or call if you need any further

clarification of these comments.

Tom Turner - Tooele Army Depot

TravelCenters of America

- I believe that it is important to recognize stakeholders that comply with existing regulations without having to perform additional work. An EMS may be a good idea for some but impractical and/or unnecessary for others. A company-wide EMS may be adequate for the purposes of the company and other regulatory entities, but may not meet Utah's particular requirements. It would not be useful or beneficial to tailor an EMS to each state's individual requirements. Compliance with existing regulations should be enough to gain entry and recognition in a pollution prevention program.

Dave Plummer - Environmental Associate, TravelCenters of America - Westlake, Ohio

Department of Transportation

- Thank you for your letter dated January 21, 2003. The Utah Department of Transportation is pleased to provide review comments on your CleanUtah! Policy. We have found it to be a comprehensive document. We suggest the policy clearly state at which tier level the CleanUtah! sign may be proudly displayed by participants. Thank you for the opportunity to review this program. We look forward to its initiation and becoming a participant.

John R. Njord, P.E. – Executive Director, Utah Department of Transportation

Division of Water Resources

- We have reviewed DEQ's CleanUtah! proposal and have only one comment. On page 6, possible project categories under water management include surface water, ground water, water conservation, and water efficiency. Although the Division of Water Resources is not included on the multi-interest review panel, we would like to assist in reviewing these water-related project proposals, particularly those related to water conservation and water efficiency. Please contact me or Eric Millis at 538-7298 if you would like to discuss this further.

D. Larry Anderson, PE – Director, Utah Division of Water Resources

Utah State University

- Utah State University is extremely excited about the "Clean Utah" program and feels that it will be a big boost to reducing the environmental impacts from Utah companies in general and USU specifically. We are very interested in playing a part in this and are willing to help in anyway that we can. To that end I have enclosed a few comments in regards to your final draft.

1- There are no specifically listed incentives with the Tier Two and Three levels. What will these be?

2- Can the periodic inspections listed lead to enforcement action? Or would they be considered under the self-disclosure rule and leave the institution open to 100% penalty waiver?

3-The Tier Three level outlines a Cap-Stone environmental Project. A Cap-Stone project

is by definition the last project in a given endeavor. This would defeat the purpose of an Environmental Management System (EMS) dedicated to continual evaluation and improvement. The term could be better couched as a "Major" environmental project, or other term that specifies it as a fundamental change to a cleaner way of doing business.

4-Under the "Eligibility" section you state "continuing pattern of noncompliance". Here at USU with 20,000+ people running around we have had and will always have reoccurring issues. Though we train continuously and develop programs with the best of intentions we seem to see the same problems crop up over and over again (an example of this would be open containers of hazardous waste in undergraduate teaching labs). This is simply due to the turn over rate of >4,000 per year. Would this exclude us from participating or advancing in this program? This is one of those areas that we were hoping to get outside assistance through this program.

5-The Multi-Interest review panel outlines the space for a representative from academia. As I look at the list of work group participants I notice that there is no academia representation. I would like to volunteer USU in general and myself in particular to fill this position. Though my background is weighted heavily to hazardous waste I have been working on the development of an EMS for USU for the past three years.

The EMS for USU is projected to be initiated in April with the formal acceptance of an Environmental Policy by President Kermit Hall. The GAP analysis is currently under way in the form of a campus wide task force. This task force is developing the preliminary initiatives to reduce environmental impact and a policy for continued evaluation and improvement. As our policy is finalized and the "Clean Utah" program is initiated, USU fully intends to apply for acceptance to the Tier One level. If you have any questions or need further information please feel free to contact me at (435) 797-2856.

Eric Jorgensen – USU

Utah Transit Authority

- I applaud the effort to implement the Clean Utah! Proposal. It does represent a proactive stance by UDEQ to encourage aggressive environmental compliance without increased regulations. My main concern is the cost of implementing an Environmental Management system (EMS). Having been trained in ISO 14000 Implementation procedures, it became very apparent that in order to fully implement the full EMS system, there was a large investment in time, personnel and infrastructure needed to become fully prepared for the actual audit and certification. Funds for most businesses right now are getting tighter. We've been trying to get the funds budgeted to complete the process and to bring all of our environmental components into one EMS. I assume that the Clean Utah proposal does realize that it is possible for a facility to be aggressively in compliance and not have a fully implemented EMS. Good work. See you on the Train/Bus.

Grantley Martelly - Environmental Compliance Administrator, UTA

VA Medical Center

- I am the Chief Engineer at the VAMC in SLC. Being a federal organization we are

used to new compliance regulations that we must meet, and in fact spend allot of our time making sure all of the regulations are met. I believe that the Clean Utah Program presented is a worthwhile pursuit, but my question is why voluntary. From experience I find that voluntary things are nice until resource squeezes make it uncomfortable, then they get dropped with little success of resurrection. I understand that this program is to go beyond the required rules or statute that the DEQ can enforce, but isn't their a way to make the program more of a requirement. The position that I come from, is that while our Medical Center could do allot of things towards this initiative, resources don't get allocated to nice to have, but to is it required. Our Medical Center will try to support this initiative the best we can, but with no teeth behind it for conforming, the devoted resources will not be consistent to match the intent of the program.

Micheal Lemmert – VA Medical Center